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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 KEITH SHAZAD MALIK,

16 Defendant.  
17  
18

No. CR 22-00321-MCS

GOVERNMENT'S SENTENCING MEMORANDUM

19 Plaintiff United States of America, by and through its counsel  
20 of record, the United States Attorney for the Central District of  
21 California and Assistant United States Attorney Kevin B. Reidy,  
22 hereby files its Sentencing Position.

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1        This Sentencing Position is based on the attached memorandum of  
2 points and authorities, the presentence investigation report, and the  
3 files and records in this case.

4        Dated: May 22, 2023

Respectfully submitted,

5                                E. MARTIN ESTRADA  
6                                United States Attorney

7                                MACK E. JENKINS  
8                                Assistant United States Attorney  
                                 Chief, Criminal Division

9                                                              /s/                                
                                 KEVIN B. REIDY  
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10                                Attorneys for Plaintiff  
11                                UNITED STATES OF AMERICA  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Defendant Keith Shazad Malik ("defendant") has pleaded guilty to  
4 sending threatening communications to Victim 1, a person he had  
5 previously targeted for a campaign of online harassment. Based on  
6 the totality of the factors in this case, the government respectfully  
7 recommends that the Court sentence defendant to 15 months'  
8 imprisonment, the low-end of the Guidelines range.

9 **II. OFFENSE CONDUCT**

10 On January 30, 2023, defendant pleaded guilty to one count of  
11 Transmitting a Threatening Communication in Interstate Commerce, in  
12 violation of 18 U.S.C. § 875(c), and admitted sending threatening  
13 emails to Victim 1, a college acquaintance. (Dkt. 26, 29.)  
14 Defendant also visited Victim 1's childhood home and sent harassing  
15 communications to Victim 1's family. (Dkt. 32 ¶¶ 20-23.) Defendant  
16 sent the threats to Victim 1 despite Victim 1's obtaining a  
17 restraining order against defendant based on similar conduct several  
18 years ago. (Id. ¶¶ 11, 30-56.)

19 **III. GUIDELINES CALCULATION**

20 **A. USPO Calculation**

21 The USPO calculates the offense level as follows:

22	Base Offense Level:	12
23	2+ Threats:	+2
24	Acceptance:	-2

25 (Id. ¶¶ 27-37.) The USPO calculated defendant's total offense level  
26 as 12. (Id. ¶ 37.) The government agrees with the USPO's offense  
27 level calculation.

1           **B. Criminal History Category**

2           The government does not object to the PSR's calculation of four  
3 criminal history points and a resulting criminal history category of  
4 III. (Id. §§ 60-63.)

5           **C. Resulting Guidelines Range**

6           Thus, the PSR calculates the total offense level of 12, the  
7 Criminal History Category as III, and, based on those calculations,  
8 finds a Guidelines range at 15 to 21 months. (Id. § 100.)

9           **IV. ANALYSIS OF 3553 FACTORS**

10          **A. Nature and Circumstances of Offense**

11          The nature and circumstances of defendant's conduct are serious.  
12 Defendant sent threatening communications to Victim 1 and Victim 1's  
13 family causing them mental anguish and stress. And this was not the  
14 first time--the conduct underlying this offense came several years  
15 after defendant had a restraining order issued against him for  
16 engaging in similar harassment against Victim 1.

17          Victim 1 has submitted a statement to the Court describing the  
18 emotional effects of defendant's harassment and the pain defendant  
19 has caused Victim 1. A sentence of 15 months in custody, and no  
20 higher, would adequately reflect the lasting impact of defendant's  
21 conduct on Victim 1.

22          **B. History and Characteristics of Defendant**

23          The government does not ask for any more than 15 months in  
24 custody because of defendant's history and characteristics.  
25 Defendant suffered a family tragedy during his childhood when his  
26 father and brother lost their lives in an airplane crash. His mother  
27 suffered from mental illness. Defendant himself has been previously  
28 diagnosed with schizophrenia.

1 But these difficulties cannot fully explain or excuse  
2 defendant's decision to resume his campaign of threats and harassment  
3 against Victim 1. However, defendant's troubles are sufficient  
4 reason for the Court to refrain from sentencing defendant to a term  
5 of imprisonment any higher than the low end of the Guidelines range.

6 **C. Deterrence and Protection of the Public**

7 A sentence of 15 months' is sufficient, but not greater than  
8 necessary, to deter defendant from further crimes. The government  
9 hopes that this sentence will motivate defendant to cease all contact  
10 with Victim 1.

11 The government also asks for a 3-year term of supervised release  
12 to protect the public, and Victim 1 in particular. Defendant has  
13 agreed to the imposition of strict supervised release conditions  
14 designed to prevent him from restarting any harassment of Victim 1 in  
15 the future. The government asks that the Court impose the statutory  
16 maximum term of supervised release in order to give Victim 1 the  
17 maximum amount of protection.

18 The government is also encouraged by the Federal Public  
19 Defender's efforts to connect defendant with resources to find  
20 treatment and work upon his release. The government hopes that these  
21 efforts, combined with rigorous supervision, will ensure that  
22 defendant never again comes in contact with the criminal justice  
23 system.

24 **V. CONCLUSION**

25 For the foregoing reasons, the government respectfully requests  
26 that this Court sentence defendant to: (1) a low-end term of 15  
27 months in custody; (2) a three-year period of supervised release; and  
28 (3) a mandatory special assessment of \$100.